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# Confronting Casteism?

## Apathy and the Atrocities Act

HUGO GORRINGE, D KARTHIKEYAN

Legislation against discrimination like the Prevention of Atrocities Act can be as much a starting point as an outcome of campaigns against discrimination.

A comment in the context of the acquittal of the convicted in the Laxmanpur Bathe and Bathani Tola cases.

In a recent issue of EPW, Kavita Krishnan ("Battle for Justice and Democracy: Laxmanpur-Bathe", 16 November 2013: 12) argued that "the quest of the people of Bathe and Bathani for justice is an integral part of their broader struggle for social dignity and real democracy, and of their resistance to the forces of feudal and communal fascism". Her voice was added to that of countless others seeking justice for the victims of the massacre. As the recent acquittal of those charged with the Bathani Tola massacre demonstrates, however, such justice often proves elusive.

Each incident of this nature invariably prompts much hand-wringing and many outcries of anguish, before it is inevitably displaced in the media news-cycle and gradually disappears off the agenda. The media thrives on spectacle and is not ideally suited to conducting long-drawn-out campaigns. In what follows, therefore, we reflect back on another massacre perpetrated against dalits and ask whether there are any lessons that might be learned from this case.

### Excavating the Future in Melavalavu?

Tamil Nadu has recently witnessed sustained attempts to consolidate the dominant intermediate castes in order to counter the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is not the traditionally upper-caste groups which demand the abolition of the Act, but the castes which are just above the dalits in the hierarchy and are locally dominant that have formed an anti-dalit front prioritising removal of the Act.<sup>1</sup> This is despite the fact that the SC/ST Atrocities Act has hardly been implemented across India over the past two decades.<sup>2</sup> What occasions the "allergy" of dominant castes towards the

Atrocity Act and what can we learn from this?

To understand these questions and think about possible ways forward, it is worth looking back to caste politics and atrocities in Tamil Nadu. In 1997 in the small hamlet of Melavalavu near the temple city of Madurai, a dalit panchayat president, Murugesan, who had dared to defy the threats of the locally dominant caste and went ahead to contest and win elections was murdered in broad daylight along with five of his companions. The bus they were travelling on was waylaid by a mob that set upon the victims with no concern or fear for the consequences. Murugesan's head was severed and thrown into a nearby well (Gorringe 2005).

On 30 June each year, dalit activists and politicians gather in the village to commemorate the event. The "Viduthalai Chiruthaigal Katchi" has constructed a memorial to the victims to honour their courage and ensure that their murders are never forgotten. Party members speak with pride about how they collected the money for the memorial and ensured that it was constructed. Speak to local dalits, however, and it is not the physical structure that they speak of, so much as a less visible but no less painstaking tribute to the fallen.

In reflecting back on the event and on changes to caste relations in the area, dalits speak of the mass mobilisation of dalit movements with pride, but point towards the Prevention of Atrocities Act as a significant factor in the reduction of caste violence. Following the massacre in Melavalavu there was the, by now, habitual lack of response from authorities. Though the murders occurred in daylight in front of a bus full of witnesses there were delays in filing first information reports (FIRs), arresting the accused and in putting together a case for the prosecution.

A decade of unchecked and unpunished caste atrocities and murders had created a culture of impunity (Tamizh-Murasu 2008). Dominant castes disliked the Atrocity Act and saw it as an affront, but they did not fear it. The prime accused boasted openly of their role in the killings

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with little concern for the repercussions (Lajapathi 2005). Following the Melavalavu murders, however, a committed and courageous team of lawyers led by P Rathinam refused to let matters lie.

They harried officials, fought to have the case heard in a court far from the perpetrators' sphere of influence, maintained contact with witnesses and even went so far as to remove them from the village in the month preceding the trial to avoid intimidation. They faced down threats and refused inducements and finally secured convictions that had seemed impossible. The whole process took nearly a decade and, even after all this work, 25 of the 27 convicted offenders were released in 2012. The prime accused, however, remain behind bars.

The demonstration that perpetrators could be brought to justice no matter how powerful or influential they were, and the protracted court cases, however, serve as an inspiration to dalits and as a caution to others. The noted political scientist James Manor speaks of seeing the fear in the eyes of dominant castes when discussing the Atrocities Act (cf Manor 2012). There is now a corresponding hope in dalit faces. The acquittal of those accused of the Laxmanpur-Bathe

massacre, however, reminds us that such hope is often dashed.

### Sustained Struggles against Caste

Statues and memorials to past martyrs dot the landscape bearing witness to innumerable atrocities, but unless they are matched by sustained efforts to contest caste they will do little more than keep memories alive. To pay true homage to the victims of caste violence, dalit movements need sustained activism at the grass roots (Pai 2002). The success of the Bahujan Samaj Party in Uttar Pradesh, for all its achievements, has sometimes been a curse for dalit movements. All too often there is a stress on political power at the expense of the day-to-day struggles, monitoring and pressure that can keep an issue alive, and give dalits the courage to stand up to oppression.

Legislation, as social movement scholars have long noted, is as much a starting point as an outcome of campaigns against discrimination. One of the real successes of the Civil Rights Movement in the United States, as Andrews (2001) demonstrates, was in mobilising large numbers of people to ensure that legislation was enacted; to educate people about the law; ensure that hate crimes

were reported; and to monitor the performance of local authorities and institutions. Atrocities are in the news just now, but attention will soon move elsewhere unless movements can maintain this momentum. If they can inspire active engagement with institutions and promote enforcement of legislation, as the Melavalavu lawyers did, they will construct a living memorial that will outmatch any concrete edifice.

### NOTES

- 1 For more details see here: <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/scst-act-amendment-struggle-heading-to-delhi/article4451117.ece>
- 2 For details see articles here: <http://www.frontline.in/static/html/fl2624/index.htm>

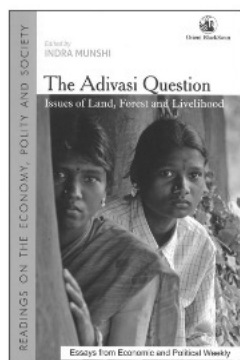
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## The Adivasi Question

Edited By

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Depletion and destruction of forests have eroded the already fragile survival base of adivasis across the country, displacing an alarmingly large number of adivasis to make way for development projects. Many have been forced to migrate to other rural areas or cities in search of work, leading to systematic alienation.

This volume situates the issues concerning the adivasis in a historical context while discussing the challenges they face today. The introduction examines how the loss of land and livelihood began under the British administration, making the adivasis dependent on the landlord-moneylender-trader nexus for their survival.

The articles, drawn from writings of almost four decades in EPW, discuss questions of community rights and ownership, management of forests, the state's rehabilitation policies, and the Forest Rights Act and its implications. It presents diverse perspectives in the form of case studies specific to different regions and provides valuable analytical insights.

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